

MACOMB TOWNSHIP PLANNING COMMISSION
MEETING MINUTES AND PUBLIC HEARING
TUESDAY, JUNE 19, 2007

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: EDWARD GALLAGHER, CHAIRMAN
DEAN AUSILIO, VICE CHAIRMAN
MICHAEL D. KOEHS, SECRETARY
CHARLES OLIVER, MEMBER
JOA PENZIEN, MEMBER
ARNOLD THOEL, MEMBER

ABSENT: DEBORAH ZOLNOSKI, MEMBER

ALSO PRESENT: Jerome Schmeiser, Planning Consultant
(Additional attendance on file at the Clerk's Office)

Chairman GALLAGHER called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

ROLL CALL

1. Clerk KOEHS called the roll and the Commission was present except for Ms. Deborah Zolnoski.

APPROVAL OF THE AGENDA

2. The agenda was reviewed and item 7b was added.

MOTION by AUSILIO seconded by PENZIEN to approve the agenda as amended.

MOTION carried.

APPROVAL OF THE PREVIOUS MEETING MINUTES


3. The minutes of the previous meeting held on June 5, 2007 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by PENZIEN seconded by THOEL to approve the minutes of the meeting of June 5, 2007 as presented.

MOTION carried.

AGENDA ITEMS

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4.  **Entrance Ground Sign; Willowood Subdivision, West Side Entrance;** Located on the northwest corner of 22 Mile Road and Valley Forge Dr.; Section 20; Willowood Sub. Association - Petitioner. Permanent Parcel No. 08-20-452-017.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval. The petitioner was advised to try to take the appropriate steps to ensure that any future owner of the property where the signs are located cannot remove them at will.


Ms. Virginia Galambush, representing the petitioner, was also present to answer any questions which the Commission might have.

MOTION by AUSILIO seconded by PENZIEN to approve the Entrance Ground Sign; Willowood Subdivision, West Side Entrance; Located on the northwest corner of 22 Mile Road and Valley Forge Dr.; Section 20; Willowood Sub. Association - Petitioner. Permanent Parcel No. 08-20-452-017 with the standard conditions:

1. **That Section 10.0319 of the Zoning Ordinance be met.**
2. **That the ground sign be limited to 36 square feet.**
3. **That a \$500 cash bond be posted assuring the construction of the sign as approved.**

It is noted that this recommendation for approval does not include any other ground signs temporary or permanent for the property in question. If the petitioner chooses, further considerations separate applications must be submitted.

MOTION carried.

5.  **Entrance Ground Sign; Willowood Subdivision, East Side Entrance;** Located on the northwest corner of 22 Mile Road and Valley Forge Dr.; Section 20; Willowood Sub. Association - Petitioner. Permanent Parcel No. 08-20-455-011.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval. The petitioner was advised to try to take the appropriate steps to ensure that any future owner of the property where the signs are located cannot remove them at will.

Ms. Virginia Galambush, representing the petitioner, was also present to answer any questions which the Commission might have.


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MOTION by KOEHS seconded by THOEL to approve the Entrance Ground Sign; Willowood Subdivision, East Side Entrance; Located on the northwest corner of 22 Mile Road and Valley Forge Dr.; Section 20; Willowood Sub. Association - Petitioner. Permanent Parcel No. 08-20-455-011 with the standard conditions:

1. That Section 10.0319 of the Zoning Ordinance be met.
2. That the ground sign be limited to 36 square feet.
3. That a \$500 cash bond be posted assuring the construction of the sign as approved.

It is noted that this recommendation for approval does not include any other ground signs temporary or permanent for the property in question. If the petitioner chooses, further considerations separate applications must be submitted.

MOTION carried.

6.  **Ground Sign for Summerfield Estates; Located on the east side of Heydenreich Road ½ mile north of 21 Mile Road; Section 27; Luigi Ferdinandi & Son Cement - Petitioner. Permanent Parcel No. 08-27-154-009 and 08-27-171-001.**

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval. It was also suggested that the petitioner be advised to try to take the appropriate steps to ensure that any future owner of the property where the signs are located cannot remove them at will.

MOTION by AUSILIO seconded by PENZIEN to approve the Ground Sign for Summerfield Estates; Located on the east side of Heydenreich Road ½ mile north of 21 Mile Road; Section 27; Luigi Ferdinandi & Son Cement - Petitioner. Permanent Parcel No. 08-27-154-009 and 08-27-171-001 with the standard conditions:


1. That Section 10.0319 of the Zoning Ordinance be met.
2. That the ground signs be limited to 36 square feet.
3. That a \$500 cash bond be posted assuring the construction of the signs as approved.

It is noted that this recommendation for approval does not include any other ground signs temporary or permanent for the property in question. If the

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petitioner chooses, further considerations separate applications must be submitted.

MOTION carried.

7.  **Request for Special Land Use;** American Gymnastics, Petitioner; Located at Quadrate Corporate Park, Units 9, 10, 11, 12 on Leone Drive.

Mr. Jerome Schmeiser, Planning Consultant, reviewed this item and stated his recommendation of approval.

Mr. Jim D'Agustini and Mr. Jeff Miller, representing the petitioner, was also present to answer any questions which the Commission might have.

There were over seventy people in attendance regarding this item. Those who spoke against the SLU were concerned with mixing recreational and industrial uses and for the safety of the children. Those who supported the SLU indicated that several neighboring communities do this and that they would watch their children carefully.

MOTION by AUSILIO seconded by PENZIEN to deny the request for Special Land Use; American Gymnastics, Petitioner; Located at Quadrate Corporate Park, Units 9, 10, 11, 12 on Leone Drive specifically stating that it does not comply with all of the standards set forth in Section 10.2401(B)(5)(a), as follows:

1. **The proposed special land use shall be of such location, size and character that it will be harmonious with the appropriate and orderly development of the surrounding neighborhood and/or vicinity, and shall be in compliance with the applicable regulations of the zoning district in which it is to be located.**

COMMENT: No comments

2. **The proposed use shall be of such nature that vehicular and pedestrian traffic shall not be more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow; proximity and relationship to intersections, adequacy of sight distances; location and access of off-street parking; and provisions for pedestrian traffic, with particular attention paid to minimizing child-vehicle interfacing.**

COMMENT: The location of subject site requires that patrons of the building must travel approximately ½ mile from a major road using a local industrial street to access the parcel. The resultant effect is the mixture of

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two distinct and incompatible types of traffic; industrial and recreational. The trips to such a recreational use are made, except for deliveries exclusively by passenger type vehicles. Industrial districts are established to be separate from residential areas and uses so that both the use of the land and the traffic movements of such incompatible uses will remain apart as reasonably possible. The proposal does not insure the safety of children utilizing the facility. Truck and employee traffic for the abutting units will be utilizing the same local industrial streets as will patrons of the proposed gymnastic center.

3. The proposed use shall be designed, with respect to the location, size, and intensity, site layout and periods of operation of any such proposed use, to eliminate any possible nuisance emanating therefrom which might be noxious whether by reason of dust, noise, fumes, vibration, smoke or lights to others.

COMMENT: No comments

4. The proposed use shall be such that the proposed location and height of buildings or structures, and the location, nature and height of walls, fences and landscaping, will not interfere with or discourage the appropriate development and use of adjacent land and buildings, or unreasonably affect the value of the land and/or buildings.

COMMENT: No comments.

5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses with regard to prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.

COMMENT: The proposed use does not relate harmoniously with the physical aspects of the adjacent industrial land uses with regard to convenience of access for prospective patrons. The proposed use when located in an industrial area is more typically found at the fringe of an industrial area with direct access from a major road. The proposed use could relate harmoniously with adjacent industrial uses if located with frontage and direct access to a major road. With direct access to a major road the traffic patterns for the two distinct uses would not interact except on the major road where such interaction is both expected and planned.

The parking available on-site is not adequate for the proposed use. As noted above in the Findings one space would be required per 50 sq. ft. of floor area. Based on that ratio there would need to be 216 spaces allocated

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to the gymnastics facility. The plan as developed allocates approximately 51 spaces per building within the complex containing four separate industrial buildings.

6. The proposed use is necessary for the public convenience at the proposed location.

COMMENT: The proposed gymnasium is situated approximately ½ mile from 23 Mile Road utilizing an industrial street as access. The proposed gymnasium would be used by a greater array of patrons than would typically use the parcel as an industrial use. For example, the majority of trips to an industrial site are made by a set number of employees who will make repeat visits for the duration of their tenure. Employees and customers calling on an industrial building and making repeat regular visits to such a site are familiar with the site location and industrial traffic patterns. Patrons to a gymnasium such as proposed will consist of repeat visitors and those making one trip. During any gymnastic lesson there may be many different patrons visiting the site on some kind of regular basis; typically weekly. The number is also increased because of the fact that with youth involvement there would be multiple drivers to the site for the same child. Public convenience would dictate that the location for such a site should be directly off a major road rather than as proposed—a convenient location in terms of access.

7. The proposed use is so designed, located and planned, and shall be operated in such a manner that the public health, safety and welfare will be protected.

COMMENT: The location as proposed forces the intermixing of truck traffic and other industrial activities with recreational traffic and pedestrian activity which does not provide for a safe situation.

8. The proposed use shall not be detrimental or injurious to the neighborhood within which it is to be located, nor shall such use operate as a deterrent to future land uses permitted within said zoning district, and such use shall be in harmony with the general purpose and intent of the Zoning Ordinance.

COMMENT: Since the proposed use of the subject parcel is surrounded on all sides by other parcels zoned M-1 it would not be in harmony with the general purpose and intent of the ordinance relating to site limitations. The use of the property would likewise not be in harmony with the general purpose of the ordinance since the increased traffic generated by the proposed use would be out of character with the surrounding uses in the industrial district. Further, the shortage of parking available to service the

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proposed use would result in unnecessary congestion on-site for the proposed use and other permitted uses within the complex of four buildings and surrounding properties.

Therefore, it is the opinion of the undersigned that the Special Land Use request does not meet the standards as reviewed above. It is restated that to be approved the Commission must find that the proposed use meets all the above standards.

The Planning Commission must also be apprised that in the event the special land use permit is approved that certain site development considerations must be addressed and any conditions imposed on the land use permit and at the time of final plan approval. Issues dealing with parking, parties, outside instruction or any activities related to the proposed gymnastics center and other events must be considered in light of the proximity to adjacent industrial uses and the close proximity to the residential neighborhood to the north.

It is also noted that although the petitioner did not indicate the number of gymnasts and cheerleaders availing themselves of the proposed service, parking per the zoning ordinance is a consideration.

MOTION carried.

- 7b. **Revised Site Plan for MRH Office Complex; Located on the West side of Romeo Plank Road, 100' south of 22 Mile Road; Section 28; MRH Properties, LLC, Petitioner, Permanent Parcel No. 08- 29-226-022.**

MOTION by KOEHS seconded by THOEL to approve the Revised Site Plan for MRH Office Complex; Located on the West side of Romeo Plank Road, 100' south of 22 Mile Road; Section 28; MRH Properties, LLC, Petitioner, Permanent Parcel No. 08-29-226-022 with the standard conditions of the Planning Commission including:

1. **The parking areas to be properly graded, drained and paved within one (1) year's time to the satisfaction of the Township Engineer. Posts to be installed in parking areas to protect exit doors, gas meters, etc.**
2. **The petitioner to comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage figures, and recorded easements in connection with this site plan are true and accurate as they provide the basis for this recommendation. The approval is given with the understanding that any structures such as signs, walls, tanks, etc., planned for the site will not be located in any utility easement or properties set aside for drains, sewers or water facilities unless an easement agreement is signed with the governing authority controlling the easement or property.**

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3. The front yard area and the areas between street line and sidewalks to be planted with grass and trees, and maintained. No stones (a cobblestone measuring 3-8" in diameter are allowed) or loose materials are permitted in the areas between the sidewalk and street; however a greenbelt with a three (3) foot cement strip along the curb or street line is permitted.

That all lawn areas including the front yard, side yard setbacks, rear yards, the areas between the sidewalk and curbs, and planting beds to be planted with grass and trees and maintained. The term grass means "pre-grown grass" referred to as sod. Seeding of grass areas is not allowed. This standard is derived from the land division ordinance section 17-162A14b(11).

4. The curb radii, curb cuts, including their location, deceleration lanes, by pass lanes and other geometrics and designs, are subject to approval by the County Road Commission, Michigan Department of Transportation, and the Township Engineer.
5. Sidewalks to be provided to the satisfaction of the Township Engineer.
6. Light fixtures or light standards must have deflectors or shields for positive cut-off of direct beams of light, or glare from bulbs or fixture lenses, shining or casting light onto adjacent properties. All fixtures under canopies must be installed with flat lenses as indicated by the industry.
7. That the trash or dumpster pad area be enclosed on three sides with a six (6) foot wall and be secured with screened gates. All walls to be constructed with a masonry pointed cap, the angle of the pointed cap to be 45 degrees. If additional dumpsters are to be located on the site, each must be enclosed in like manner.
8. An acceptable method of surety, such as a corporate surety bond or cash bond, in an amount approved by the Township Engineer, be posted, assuring the Township the property will be developed within two (2) years in accordance with the plan and elevations. If not developed within two (2) years from date of site plan approval, the petitioner will have to appear before the Planning Commission for consideration of an extension of the two year time period. The bond must be posted prior to receiving construction permits from the Township Water/Sewer Department.
9. The petitioner/applicant may request the release of the site plan bond when the site has been completed in accordance with all conditions made part of this approval and contained herein. The request for release must be in writing and accompanied by 2 copies of the "As Built Plans". The "As Built Plan" will be compared with the stamped approved Site Plan Drawing to help determine the readiness for release of said bond.

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10. That handicap parking be provided per the requirements of the State and the ADA (American Disabilities Act).
11. That all signs be designated on the site plan and meet the Township requirements.
12. That the petitioner meets with the Michigan Department of Environmental Quality (MDEQ) regarding floodplains and/or wetlands to determine any building limitations.
13. MDEQ- That specific conditions and approvals regarding changes to the 100 year flood plain be done so with the understanding that the petitioner shall seek and obtain map revisions or amendments to reflect the lower amendment on the flood plain map as prepared by FEMA, prior to the issuance of any building permits.
14. That any required walls or greenbelts be constructed/installed prior to the issuance of a Certificate of Occupancy. All walls to be constructed with a masonry pointed cap, the angle of the point to be 45 degrees. All walls must be constructed on a continuous foundation. The "hung" type wall, that is with panels on channeled pillars, shall not be allowed.
15. That the petitioner provide proper drainage (storm and sanitary) and a proper water supply in accordance with the standards of the Township Water and Sewer Department and the County Drain office.
16. That the petitioner properly name any proposed streets or private drives that may be due on the site and coordinate said names with the Macomb Township Supervisor's Office. Addresses are assigned after site plan approval. The petitioner must coordinate said street names with the Macomb Township Supervisor's office and submit (2) plans on 11" x 17" paper.
17. That any future splitting and/or division of any portion of the property or additions to the property, approved in this plan, be reconsidered by the Assessor and Planning Commission. That all splits be approved by the Tax Assessor.
18. That the case of structures in commercial zones that roof mounted appliances and fixtures shall be effectively screened on all sides by the roof line so as not to be visible from off the site.
19. That in the case of commercial zones that outdoor storage and display of merchandise is prohibited.

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20. That all requirements of the Zoning Ordinance be met.
21. If the matter being considered is a revised site plan, then all conditions of the earlier approval, that may apply to other features of the plan not being considered for the current revision and whether or not they are noted on the plan herein presented, are to remain in full force and effect.
22. That the petitioner be aware that a Certificate of Zoning Compliance and a Certificate of Occupancy must be obtained prior to the occupation of the proposed building.
23. That the site plan include a site illumination plan containing a detailed profile of each classification of lighting fixture.
24. That the petitioner understands that if the property(ies) involved in this application are not yet split or combined into a single parcel, that an application for split/combination must be submitted and approved by the Assessor's Office. The petitioner must also understand that all codes and ordinances relating to said split/combination must be adhered to including any variances requested or any other actions involving Macomb Township. It is also noted that delays may be necessary in the split/combination procedure because of subsequent public hearings involving variance requests.

In the case of a Site Plan application, an application for said split/combination must be reviewed and approved by the Assessor's Office prior to the issuance of Building Permits. In the case of a Site Condominium or Subdivision Plat application, an application for said split/combination must be approved by the Assessor's Office before the petitioner may submit an application for their next approval step as prescribed by the Macomb Township Land Division Ordinance #17.

This approval does not provide any assurance or guarantee that any required split or split/combination that was not in place prior to this approval will be approved by any other Township body or other governmental unit.

In connection with splitting, combining or otherwise amending the site plan, that any master deeds prepared in connection with said site plan be amended. The amended master deed, including Exhibit B documents, must be submitted to the Township Clerk's Office for review in accordance with Township procedures. The recorded document must be received prior to issuance of building permits.

The same procedure would follow for a revision to the site plan.

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25. That all lawn areas must be developed in accordance with the zoning ordinance section 10.2402-B-6 which refers to the landscaping design standards of the Township Land Division Ordinance; Sec. 17-162-(b)(11) as amended which provides that all areas must be sodded with pre-grown grass which include the areas of the property which also includes the road right-of-way.
26. That the wall be provided with a pointed cap in accordance with the requirements of the zoning ordinance. The metal cap must be removed and replaced with a masonry pointed cap.
27. The face of the wall as constructed be covered with brick.
28. The dead evergreen tree must be replaced within the required greenbelt on the south property line.

MOTION carried.

8. Motion to receive and file all correspondence in connection with this agenda.

MOTION by THOEL seconded by KOEHS to receive and file all correspondence in connection with this agenda.

MOTION carried.

PLANNING CONSULTANTS COMMENTS - None

PLANNING COMMISSIONERS COMMENTS – None

ADJOURNMENT

MOTION by THOEL seconded by KOEHS to adjourn the Planning Commission meeting at 9:30 p.m.

MOTION carried.

Respectfully submitted,

Edward Gallagher, Chairman

Michael D. Koehs, CMC
Macomb Township Clerk
Planning Commission Secretary